



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2504

DATE SCANNED

6/27/12

SCANNER NO.

2

SCAN OPERATOR

EES

12092680859



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 MAR -9 P 2:20

March 8, 2012

SENSITIVE

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship/Sari Pickerah *JP*
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2011 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2011 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2011.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

12092680860

Federal Election Commission
Reason to Believe Circulation Report
2011 YEAR-END Not Election Sensitive 01/31/2012 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2503	C00258244	BUCK MCKEON FOR CONGRESS	MCKEON, HOWARD P. 'BUCK'	PATRICIA MCKEON	\$1,663,033	0	2/13/2012	13	\$365,700	\$4,600
2504	C00503938	FRIENDS OF TIM BURNS	BURNS, TIMOTHY R	GEORGE K. MCLAUGHLIN	\$637,559	0	2/6/2012	6	\$637,559	\$4,500
2505	C00495549	JACKSON FOR VIRGINIA	JACKSON, EARL W SR	THEODORA J. JACKSON	\$166,756	0	2/8/2012	8	\$66,943	\$990

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2011)
Year-End Report for the Administrative)
Fine Program:)

BUCK MCKEON FOR CONGRESS, and) AF# 2503
MCKEON, PATRICIA as treasurer;)
FRIENDS OF TIM BURNS, and GEORGE) AF# 2504
K MCLAUGHLIN as treasurer;)
JACKSON FOR VIRGINIA, and) AF# 2505
THEODORA J JACKSON as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on March 13, 2012 the Commission took the following actions on the Reason To Believe Recommendation - 2011 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 08, 2012, on the following committees:

12092680862

AF#2503 Decided by a vote of 6-0 to: (1) find reason to believe that BUCK MCKEON FOR CONGRESS, and MCKEON, PATRICIA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2504 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF TIM BURNS, and GEORGE K MCLAUGHLIN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2505 Decided by a vote of 6-0 to: (1) find reason to believe that JACKSON FOR VIRGINIA, and THEODORA J JACKSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

March 13, 2012
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

12092680863



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 15, 2012

George K. McLaughlin, in official capacity as Treasurer
Friends of Tim Burns
P.O. Box 4483
Eighty Four, PA 15330

C00503938
AF#: 2504

Dear Mr. McLaughlin:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2011, shall be filed no later than January 31, 2012. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on February 6, 2012, six (6) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On March 13, 2012, the FEC found that there is reason to believe ("RTB") that Friends of Tim Burns and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$4,500. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$4,500 is due within forty (40) days of the finding, or by April 22, 2012, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$637,559
Number of Days Late: 6
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the

12092680864

Commission's RTB finding, or April 22, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Friends of Tim Burns and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

12092680865

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter
Chair

12092680866

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$4,500 for the 2011 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by April 22, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Friends of Tim Burns

FEC ID#: C00503938

AF#: 2504

PAYMENT DUE DATE: April 22, 2012

PAYMENT AMOUNT DUE: \$4,500

12092680867



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2012 MAY -2 A 10: 06

May 1, 2012

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia Carmona *PC for PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *Jodi Wisniewski* Jodi Wisniewski/Sari Pickeral *JP*
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2011 Year-End Report

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2011 Year-End Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, two (2) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. These two (2) committees will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding. An overview of each of these cases has been provided below.

12092680868

Jackson for Virginia (AF 2505) amended the 2011 Year-End Report after the RTB finding and disclosed a corrected level of activity which would result in a lowered civil money penalty. The committee disclosed total receipts and disbursements of \$42,174 (previously disclosed as \$66,943), thus the fine would be lowered from \$990 to \$360.

RAD Recommendation

- (1) Make final determination that the political committees and their treasurers listed on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Send the appropriate letters.

12092680869

12092680870

5/1/2012 1:34 PM

Federal Election Commission
FD Circulation Report Fine Not Paid
2011 YEAR-END Not Election Sensitive 01/31/2012 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2505	JACKSON FOR VIRGINIA	JACKSON, EARL W SR	C00495549	THEODORA J. JACKSON	02/08/2012	8	\$42,174	0	03/13/2012	\$890	49	\$350

Federal Election Commission
FD Circulation Report Fine Paid
2011 YEAR-END Not Election Sensitive 01/31/2012 H_S_P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
2503	BUCK MCKEON FOR CONGRESS	MCKEON, HOWARD P. 'BUCK'	C00258244	PATRICIA MCKEON	02/13/2012	13	\$385,700	0	03/13/2012	\$4,600	\$4,600	04/18/2012	\$4,600
2504	FRIENDS OF TIM BURNS	BURNS, TIMOTHY R	C00503838	GEORGE K. MCLAUGHLIN	02/08/2012	8	\$837,559	0	03/13/2012	\$4,500	\$4,500	04/23/2012	\$4,500

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final)
Determination Recommendation for the)
2011 Year End Report:)

BUCK MCKEON FOR CONGRESS, and) AF# 2503
MCKEON, PATRICIA as treasurer;)
FRIENDS OF TIM BURNS, and GEORGE) AF# 2504
K MCLAUGHLIN as treasurer;)
JACKSON FOR VIRGINIA, and) AF# 2505
THEODORA J JACKSON as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 03, 2012 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2011 Year End Report as recommended in the Reports Analysis Division's Memorandum dated May 01, 2012, on the following committees:

12092680872


AF#2503 Decided by a vote of 6-0 to: (1) make a final determination that BUCK MCKEON FOR CONGRESS, and MCKEON, PATRICIA as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2504 Decided by a vote of 6-0 to: (1) make a final determination that FRIENDS OF TIM BURNS, and GEORGE K MCLAUGHLIN as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2505 Decided by a vote of 6-0 to: (1) make a final determination that JACKSON FOR VIRGINIA, and THEODORA J JACKSON as treasurer , violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

May 3, 2012
Date


Shawn Woodhead Werth
Secretary and Clerk of the Commission

12092680873



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 4, 2012

George K. McLaughlin, in official capacity as Treasurer
Friends of Tim Burns
P.O. Box 4483
Eighty Four, PA 15330

C00503938
AF#: 2504

Dear Mr. McLaughlin:

On March 13, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Friends of Tim Burns and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2011 Year-End Report. By letter dated March 15, 2012, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$4,500 in accordance with the schedule of penalties at 11 CFR § 111.43.

On April 23, 2012, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on May 3, 2012 that you, in your official capacity as treasurer, and Friends of Tim Burns violated 2 U.S.C. § 434(a), assessed a civil money penalty in the amount of \$4,500 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Caroline C. Hunter".

Caroline C. Hunter
Chair

12092680874

FROM THE PORTION BELOW WITH YOUR PAYMENT

FOR: Friends of Tim Burns

FEC ID#: C00503938

AF#: 2504

PAYMENT DUE DATE: April 22, 2012

PAYMENT AMOUNT DUE: \$4,500

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000450000 BA# 1 04-23-12 20 4



CASH ONLY. PAYMENT MUST BE SECURITY FEATURES REGISTERED ONLINE. INDICATE NO TAMPERING OR COPYING.

PNC BANK, NATIONAL ASSOCIATION 1037

08-0004200

4/19/2012

Friends of Tim Burns - 0000
4017 Washington Road, Suite 131
McMurry, PA 15317

PAY TO THE ORDER OF Federal Election Committee

Four Thousand Five Hundred Only

\$ **4,500.00

DOLLARS

Federal Election Committee
PO Box 979058
St. Louis, MO 63197-9000

MEMO C00503938 AF#2504



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2504

DATE SCANNED

6/27/12

SCANNER NO.

2

SCAN OPERATOR

EEJ

12092680876